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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/626,878	07/25/2003	Michael J. Hopmeier	54432-20001.01	1035
25227	7590 03/08/2005		EXAMINER	
MORRISON & FOERSTER LLP			CHRISTMAN, KATHLEEN M	
1650 TYSONS BOULEVARD SUITE 300		ART UNIT	PAPER NUMBER	
MCLEAN, V	A 22102		3713	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)				
	10/626,878	HOPMEIER ET AL.				
Office Action Summary	Examiner	Art Unit				
	Kathleen M Christman	3713				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply if NO period for reply is specified above, the maximum statutory period we Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	6(a). In no event, however, may a reply be tim within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on						
2a)⊠ This action is FINAL . 2b)☐ This	action is non-final.					
, ===	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) Claim(s) 1-26 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) Claim(s) is/are allowed. 6) Claim(s) 1-26 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or						
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· · · · · · · · · · · · · · · · · · ·	9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
•	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Ex						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of	s have been received. s have been received in Applicati ity documents have been receive (PCT Rule 17.2(a)).	on No ed in this National Stage				
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) Interview Summary					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 07/25/2003.	Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	atent Application (PTO-152)				
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DETAILED ACTION

Priority

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence(s) of the specification or in an application data sheet by identifying the prior application by application number (37 CFR 1.78(a)(2) and (a)(5)). If the prior application is a non-provisional application, the specific reference must also include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 6, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite the limitation "and combinations thereof". In claim 6(and similarly in claim 19, it is unclear as to if the applicant intends to claim one sensor with several different parameters or whether it is intended that there be multiple sensors each having a different parameter. The examiner suggests using a limitation such as "at least one of the following..."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claims 1-7, 10, 14-20, and 23, as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Batchie (US 4432731). The broadly claimed structure can be interpreted as the "Bomb Squad Training Device" of Batchie. Regarding claims 1 and 14, Batchie shows a system and method of use for simulated device training comprising a simulated device having atleast one sensor, a controller interfacing with the sensor and monitoring the sensor for a stimulus, and a feedback device interfacing with the controller and providing feedback to the user, see Figure 1-3, and col. 1:32-36, 44-53. Regarding claims 2 and 15, as the device of Batchie is an explosive it is therefor also a munition.

Regarding claims 5 and 18, the sensor being a mercury trembler switch is shown in col. 2: 63.

Regarding claims 6 and 19, the sensor measuring a parameter of movement is shown in col. 2: 67- col. 3: 4. Regarding claims 7 and 20, the feedback device being an LED, a lighting device is shown in col. 5: 63-65. Regarding claims 10 and 23, the communication of the sensors and the feedback device is a hardwire.

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The body of the device is disclosed as being an attaché case, the explosive within the attaché case is disclosed as being capable of being an improvised explosive device, see col. 1: 41-53. Regarding to claims 3 and 16, there is a sensor on the outside of the attaché case that warns of intrusion into the attaché case. As per claims 4 and 17, there is a simulated locking device on the outside of the attaché case, symbolized by 51 and 57.

3. Claims 1, 9, 11-14, 22, and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Schrenk et al (US 4091550). Regarding claims 1 and 14, Schrenk et al discloses a simulated device, at least one sensor connected to the simulated device, a controller interfacing with the sensor and a feedback device. Regarding claims 9 and 22, the computer has the ability to record a trainee's performance. Regarding claims 11-13 and 24-26, the sensors are adjustable (claims 11 and 24), controlled by the controller (claims 12 and 25) and the controller is the computer (claims 13 and 26). See claims 1-9 and Figures 1-3.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 4. Claims 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batchie (US 4432731) in view of Greenwood (US 4114080). Batchie fails to show a gas supply, a cannon, and a sparking device for igniting fuel from the gas supply. However, Batchie does disclose that a simulated explosion would be beneficial. Greenwood discloses a device containing a gas supply, means for igniting the gas, and a cannon type piece. As Batchie discloses the benefit of having a simulated explosion and Greenwood discloses a means by which to create a simulated explosion it would have been obvious to one of ordinary skill in the art to combine the device of Batchie with the device of Greenwood, to add this beneficial structural element.

Conclusion

This is a continuation of applicant's earlier Application No. 09/481682. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS**

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ACTION IS MADE FINAL even though it is a first action in this case. See MPEP § 706.07(b). Applicant

is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from

the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no, however, event will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Kathleen M Christman whose telephone number is (571) 272-4435. The examiner can

normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Xuan Thai can be reached on (571) 272-7147. The fax phone numbers for the organization where this

application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306

for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be

directed to the receptionist whose telephone number is (703) 308-1148.

Kathy Christman Patent Examiner

March 3, 2005

XUAN M. THAI SUPERVISORY PATENT EXAMINER

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